

REMARKS

Claims 19, 22-23, 26, 31, and 37-39 remain in this application. Claims 1-18, 20-21, 24-25, 27-30, and 32-36 were previously canceled. Reconsideration of the application is requested.

Reconsideration of the objection set forth in section 1 on page 2 of the Office Action is requested. The terminology of claim 39 is modified above to clarify that the first and second impact plates specified are pushed *toward each other* upon release of the connecting element. Referring by way of example to the embodiment of the invention shown in Figures 1a-1c of this application, the first and second impact plates 2 and 3 are shown as pushed toward each other upon release of the connecting element formed by the bolt 6 as claim 39 defines. Claim 39 does not recite any “means for pushing together the first and second plates,” and it is respectfully submitted that Figures 1a-1c adequately illustrate the invention defined by claim 39.

It is respectfully submitted that the rejection of claim 39 under 35 U.S.C. § 112, first paragraph, is no longer applicable. As noted, the terminology of claim 39 is clarified above, and Figures 1a-1c adequately illustrate the invention defined by claim 39.

The comments provided by the Examiner in section 8 on page 5 of the Office Action are noted with appreciation. Claims 26, 31, and 39 are rewritten above in independent form and should now be allowable. Claims 37-38, which remain dependent on claim 26, should be allowable as well.

Independent claim 19 is rejected under 35 U.S.C. § 102(b), along with dependent claim 23, as anticipated by U.S. Patent 4,194,411 to Manabe et al. Reconsideration is rejected.

In the discussion set forth by the Examiner in section 5 on pages 3-4 of the Office Action, planar portions 2a of the Manabe et al. support member 2 are identified as a first impact plate, the Manabe et al. energy absorbing member 1 or 11 is identified as a second impact plate, and the lengthwise portion of the Manabe et al. energy absorbing member 1 shown in Figure 5 is identified as a connecting element. However, the lengthwise portion of the Manabe et al. energy absorbing member 1 shown in Figure 5 is not releasable to permit parts of member 1 or member 11 to be pushed apart while planar portions 2a and energy absorbing member 1 or 11 move toward each other as claim 19 above requires. The Manabe et al. support assembly, in other words, does not include a connecting element releasable to permit plate parts to be pushed apart while first and second impact plates move toward each other when an impact force on at least one of the impact plates exceeds a certain limit as claim 19 particularly defines, and the anticipation rejection based on the Manabe et al. patent is inapplicable to claim 19 above.

U.S. Patent application publication 2002/0020999 to Duval et al. is cited and relied on in section 7 on page 5 of the Office Action. Nothing in the Duval et al. publication, however, suggests modifying the Manabe et al. support assembly to include features meeting the limitations in claim 19 mentioned, moreover, and claim 19 above should be patentable. Claims 22 and 23, which depend on claim 19, should be patentable as well.

All claims remaining in this application should now be patentable for reasons discussed, and the application as a whole should now be allowable. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.55776US).

Respectfully submitted,

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